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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,936	02/12/2002	Bart Gerard Boucherie	BOUC3012/JEK	3715
23364	7590	04/22/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,936

Applicant(s)

BOUCHERIE, BART GERARD

Examiner

Shay L Balsis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/9/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Claims 1-5 in Paper No. 4/8/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-5 are objected to because of the following informalities:

Claim 1, line 7 states "mainly along one and the same axis of rotation." Examiner is confused as to if "mainly" means it is the same axis of rotation or it is not the same axis of rotation.

Claim 5, line 4 used the word "crosswise" repeatedly.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4 and 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the successive intersections" in lines 23-24. There is insufficient antecedent basis for this limitation in the claim.

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Claim 2 states that the successive intersections, intersecting lines respectively, move according to a rotating path. Applicant needs to clarify what successive intersections are.

Claim 4 recites the limitation "the entire fiber pack" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the fiber pack" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Warner et al. (USPN 5127290).

Warner teaches a method for trimming brush filaments comprising two rotary knives (120, 123), mainly having the same axis of rotation. The knives rotate in opposite directions as shown on figure 6 by the arrows. Additionally the knives are driven at such a speed that the intersecting lines move according to a rotating path. The knives and the brush fibers are mutually moved along one another to ensure that the entire fiber pack gets cut. Additionally, the knives extend crosswise in relation to the longitudinal axis of the fiber pack.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucherie (USPN 5683145).

Boucherie teaches a method for trimming brush filaments comprising two rotary knives (16), mainly having the same axis of rotation. The knives are driven at such a speed that the intersecting lines

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move according to a rotating path. There are several cutting edges and additionally several knives.

There are at least two cutting stations and at each station there is at least three knives. The knives and the brush fibers are mutually moved along one another to ensure that the entire fiber pack gets cut.

Additionally, the knives extend crosswise in relation to the longitudinal axis of the fiber pack.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Leigh (USPN 3871048).

Leigh teaches a method for trimming brush filaments comprising two rotary knives (17, 18), mainly having the same axis of rotation. Each rotating knife is provided with several cutting edges (19). The knives rotate in opposite directions as shown on figure 9 by the arrows. Additionally, the knives are driven at such a speed that the intersecting lines move according to a rotating path. The knives and the brush fibers are mutually moved along one another to ensure that the entire fiber pack gets cut. Additionally, the knives extend crosswise in relation to the longitudinal axis of the fiber pack.

Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Edwards et al. (PGPub 2002/0092109).

Edwards teaches a method for trimming brush filaments comprising two rotary knives (60, 62), mainly having the same axis of rotation. The knives are driven at such a speed that the intersecting lines move according to a rotating path. There are several cutting edges and additionally several knives. There are at least four cutting stations and at each station there is at least two knives. The knives and the brush fibers are mutually moved along one another to ensure that the entire fiber pack gets cut. Additionally, the knives extend crosswise in relation to the longitudinal axis of the fiber pack.

Conclusion

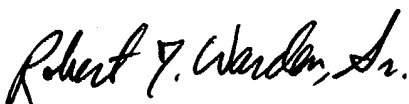
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
4/16/04


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